

Thomas R. Johnson, Jr., OSB No. 010645
TJohnson@perkinscoie.com
Alex Van Rysselberghe, OSB No. 174836
AVanRysselberghe@perkinscoie.com
Garmai J. Gorlorwulu, OSB No. 213731
GGorlorwulu@perkinscoie.com
PERKINS COIE LLP
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Telephone: 503.727.2000
Facsimile: 503.727.2222

*Attorneys for Defendant Oregon Health
and Science University*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MARIA D. PROUFLIS,

Plaintiff,

v.

**OREGON HEALTH AND SCIENCE
UNIVERSITY**, an Oregon Public
corporation,

Defendant.

No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1332, 1367,
1441, and 1446

By Defendant

Defendant Oregon Health and Science University (“OHSU” or “Defendant”), by counsel, hereby removes Case No. 22CV13795 from the Circuit Court of the State of Oregon for the County of Union, to the United States District Court for the District of Oregon, Portland Division, pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446. As grounds for removal, Defendant respectfully states as follows:

1- NOTICE OF REMOVAL

I. INTRODUCTION

1. On or about April 25, 2022, Plaintiff Maria D. Prouflis commenced this employment discrimination action by filing a Complaint in the Circuit Court of the State of Oregon for the County of Union, styled *Prouflis v. Oregon Health and Science University*, at Case No. 22CV13795, which is currently pending. A true and accurate copy of the Complaint (and all other filings from the state court action) is attached as Exhibit A. Defendant was served with the Summons and Complaint on June 7, 2022.

2. In her Complaint, Plaintiff claims that she was injured when OHSU terminated her employment in discrimination of her religion. Plaintiff has pled causes of action against OHSU for Employment Religious Discrimination under 42 U.S.C. § 2000e-5 and wrongful termination.

II. THIS CASE IS REMOVABLE UNDER FEDERAL QUESTION AND SUPPLEMENTAL JURISDICTION

3. Pursuant to 28 U.S.C. §§ 1331 and 1441, a defendant may remove a case from state court to federal court based on federal question jurisdiction when a civil action brought against the defendant arises under the Constitution, laws, or treaties of the United States.

4. As referenced in the Complaint at Paragraphs 12–20, Plaintiff asserts, among other claims, a claim for Employment Religious Discrimination under a law of the United States, 42 U.S.C. § 2000e-5 (Title VII).

5. Accordingly, this matter presents a federal question and removal is appropriate under 28 U.S.C. § 1441(a).

6. The Court may exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367 over Plaintiff’s remaining state law claim because that claim is so related to the Title VII claim within the Court’s original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution. Plaintiff’s remaining claim incorporates by

2- NOTICE OF REMOVAL

reference the preceding allegations, through Paragraph 21, and generally relates to Defendant's alleged acts with respect to Plaintiff's termination.

III. THIS CASE IS REMOVABLE UNDER DIVERSITY JURISDICTION

7. Pursuant to 28 U.S.C. §§ 1332(a)(1) and 1441, a defendant may also remove a case from state court to federal court based on diversity jurisdiction when the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. Upon information and belief, Plaintiff was at the time this action was commenced, and still is, a citizen and resident of New Jersey.

9. Defendant is an Oregon public corporation incorporated, headquartered, and doing business in Oregon. As such, the parties are diverse.

10. This is a civil action wherein the amount in controversy exceeds seventy-five thousand dollars (\$75,000.00), exclusive of interest and costs, as pleaded in Plaintiff's Complaint (see Exhibit A, reflecting Plaintiff's prayer for a judgment in the amount of \$411,957.60).

11. Therefore, under 28 U.S.C. § 1332(a), this case is one that may be removed to this Court, pursuant to 28 U.S.C. § 1441, because it is a civil action between citizens of different states and the amount in controversy exceeds \$75,000.¹

IV. SERVICE OF COMPLAINT

12. Plaintiff served the Complaint on Defendant on June 7, 2022.

13. This Notice of Removal is being filed within thirty (30) days of service of the Complaint in the state court action. Removal is therefore timely.

¹ The forum-defendant rule under 28 U.S.C. § 1441(b)(2) is inapplicable here because the rule applies only to actions removable "solely" on the basis of diversity jurisdiction.

V. VENUE OF REMOVED ACTION AND INTRA-DISTRICT ASSIGNMENT

14. Because the Complaint was filed and is currently pending in the Circuit Court of Oregon, this District is the proper venue for this action upon removal pursuant to 28 U.S.C. § 1441(a). The Portland Division is the proper intra-district assignment for this action upon removal because it is the division that embraces Multnomah County, where the alleged events or omissions giving rise to the claim occurred. LR 3-2.

VI. CONSENT, NOTICE TO OTHER PARTIES, AND NOTICE TO STATE COURT

15. No other parties have been named as defendants in this action, so therefore all defendants consent to removal.

16. A true and correct copy of all process, pleadings, orders, and documents from the state court action that were served on Defendant or available from the state court action are being filed with and attached to this Notice of Removal.

17. Written notice of the filing of this Notice of Removal will be provided promptly to counsel for the Plaintiff and to the Circuit Court of the State of Oregon for the County of Union in accordance with 28 U.S.C. § 1446(d) and is noted in the Certificate of Service attached hereto.

VII. PLEADINGS IN THE STATE COURT ACTION

18. Defendant has not filed any responsive pleadings in the state court action.

19. By this Notice of Removal, Defendant does not waive any objections it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action, and intends no admission of fact, law, or liability by this Notice and expressly reserves all defenses, motions, and/or pleas.

WHEREFORE, Defendant hereby files this Notice of Removal pursuant to 28 U.S.C. §§ 1331, 1332, 1367, 1441, and 1446, and requests that this Court proceed to hear and determine the matters in this controversy.

4- NOTICE OF REMOVAL

DATED: July 5, 2022

PERKINS COIE LLP

By: /s/ Thomas R. Johnson

Thomas R. Johnson, Jr., OSB No. 010645

TJohnson@perkinscoie.com

Alex Van Rysselberghe, OSB No. 174836

AVanRysselberghe@perkinscoie.com

Garmai J. Gorlorwulu, OSB No. 213731

GGorlorwulu@perkinscoie.com

Telephone: 503.727.2000

Facsimile: 503.727.2222

*Attorneys for Defendant Oregon Health
and Science University*

5- NOTICE OF REMOVAL

79850.0034\157266579.1

Perkins Coie LLP
1120 N.W. Couch Street, 10th Floor
Portland, OR 97209-4128
Phone: 503.727.2000
Fax: 503.727.2222

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **NOTICE OF REMOVAL, CIVIL COVER SHEET, AND CORPORATE DISCLOSURE STATEMENT** on:

Brent H. Smith
808 Adams Avenue
P.O. Box 967
La Grande, OR 97850
brent@baumsmith.com

Attorney for Plaintiff

to be sent by the following indicated method or methods, on the date set forth below:

- ☒ by **sending via the court's electronic filing system**
☒ by **email**
☒ by **mail**
☐ by **hand delivery**

DATED: July 5, 2022

PERKINS COIE LLP

By: /s/ Thomas R. Johnson

Thomas R. Johnson, Jr., OSB No. 010645
TJohnson@perkinscoie.com
Alex Van Rysselberghe, OSB No. 174836
AVanRysselberghe@perkinscoie.com
Garmai J. Gorlorwulu, OSB No. 213731
GGorlorwulu@perkinscoie.com
Telephone: 503.727.2000
Facsimile: 503.727.2222

*Attorneys for Defendant Oregon Health
and Science University*